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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,628	11/12/2003	Tyler Thomas Parham	Tyler 2 US	9272
37490 7590 10/17/2008 Trellis Intellectual Property Law Group, PC 1900 EMBARCADERO ROAD SUITE 109 PALO ALTO, CA 94303			EXAMINER CARLOS, ALVIN LEABRES	
			ART UNIT 3715	PAPER NUMBER
			NOTIFICATION DATE 10/17/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/712,628	<b>Applicant(s)</b> PARHAM, TYLER THOMAS	
	<b>Examiner</b> ALVIN L. CARLOS	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/14/2008</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 14, 2008 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon US20030119581 in view of Schneider 6358149.

Re claim 1, Cannon teaches a method for enabling multiple networked gaming devices to participate in a secondary game (paragraphs 0019, 0020, 0048), the method comprising: providing a first gaming device for initiating a primary game (paragraphs 0049-0051), qualifying the first gaming device to participate in a secondary game by using a predetermined primary game outcome (paragraphs 0049-0051), qualifying additional gaming devices to participate in the secondary game by using predetermined primary game outcomes (paragraphs 0021, 0048-0049), increasing a payout award of

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the secondary game by a value (paragraphs 0059-0060), and initiating the secondary game and awarding, to every gaming device qualified to participate in the secondary game the payout award of the secondary game (paragraphs 0058-0061).

However, Cannon fails to teach the following claim limitation as taught by Schneider: the additional gaming devices are qualified during a designated duration after said first gaming device is qualified or during a predetermined number of primary game plays after qualification of said first gaming device (see figures 5-6, column 7 lines 21-26), increasing the secondary payout award after each additional gaming device is qualified (column 8 lines 49-57, column 10 lines 34-67 and column 11 lines 4-13).

It would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon invention in view of Schneider in order to provide an electronic gaming system and method that adjust the threshold to initiate a bonus period depending upon the number of eligible gaming machines over a network link, and a bonusing system has a demonstrable effect on game payback percentage to encourage play and increase enjoyment as taught by Schneider (paragraph 0017 lines 1-4).

Re claim 2, Cannon teaches a gaming network having a plurality of gaming devices, a method of involving multiple players and their gaming devices in a secondary type game (paragraphs 0019 and 0029), the method comprising: initiating a primary type game by using a first gaming device (paragraphs 0029 and 0049), qualifying the first gaming device to participate in a secondary type game (paragraphs 0029 and 0050),

However, Cannon fails to teach the following claim limitation as taught by Schneider: triggering a secondary game indication cycle to run before the secondary type game is initiated and the secondary game indication cycle is capable of running for a predetermined duration (see figures 5 and 8, column 7 lines 8-12), qualifying additional gaming devices to participate in the secondary type game during said predetermined duration of said secondary game indication cycle (column 7 lines 21-25), initiating the secondary type game upon conclusion of said secondary game indication cycle (column 8 lines 3-24), and awarding payout awards to every gaming device qualified to participate in the secondary type game (column 10 lines 34-67 and column 11 lines 4-13).

It would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon invention in view of Schneider in order to provide an electronic gaming system and method that adjust the threshold to initiate a bonus period depending upon the number of eligible gaming machines over a network link, and a bonusing system has a demonstrable effect on game payback percentage to encourage play and increase enjoyment as taught by Schneider (paragraph 0017 lines 1-4).

Re claim 3, Cannon teaches a multiplier (paragraphs 0007, 0058-0059).

However, Cannon fails to teach the following claim limitation as taught by Schneider: the method further comprising increasing the secondary payout award after each additional gaming device is qualified (column 10 lines 6-33).

It would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon invention in view of Schneider in order to provide an

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electronic gaming system and method that adjust the threshold to initiate a bonus period depending upon the number of eligible gaming machines over a network link, and a bonusing system has a demonstrable effect on game payback percentage to encourage play and increase enjoyment as taught by Schneider (paragraph 0017 lines 1-4).

Re claim 4, Cannon teaches a method for enabling multiple networked gaming devices to participate in a secondary game (paragraphs 0035 and 0039-0045), the method comprising: providing a first gaming device that qualifies for a secondary game (paragraphs 0049-0050).

However, Cannon fails to teach the following claim limitation as taught by Schneider: providing a secondary game indication cycle indicative that the first gaming device has qualified for the secondary game (see figures 5 and 8, column 7 lines 8-12), qualifying additional gaming devices to participate in the secondary game before expiration of said secondary game indication cycle (column 7 lines 21-25), and initiating the secondary game (column 8 lines 3-24), and awarding a payout award to all qualified gaming devices including the first gaming device and the additional devices qualified to participate in the secondary game (column 10 lines 34-67 and column 11 lines 4-13).

It would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon invention in view of Schneider in order to provide an electronic gaming system and method that adjust the threshold to initiate a bonus period depending upon the number of eligible gaming machines over a network link, and a bonusing system has a demonstrable effect on game payback percentage to encourage play and increase enjoyment as taught by Schneider (paragraph 0017 lines 1-4).

Re claim 5, Cannon i.v., Schneider teaches the invention as discussed above. In addition, Schneider teaches increasing the secondary payout award after each additional gaming device is qualified (column 10 lines 6-33).

Re claim 6, Cannon i.v., Schneider teaches the invention as discussed above. In addition, Schneider teaches further comprising qualifying the first gaming device for additional secondary type games during pendency of the secondary game indication cycle (see figure 5, column 7 lines 21-25).

Re claim 7, Cannon i.v., Schneider teaches the invention as discussed above. In addition, Schneider teaches the secondary game indication cycle expires after a designated duration (see figures 8-9, column 7 lines 8-12).

Re claim 8, Cannon i.v., Schneider teaches the invention as discussed above. In addition, Schneider teaches the secondary game indication cycle expires after a predetermined number of primary plays after qualification of the first gaming device (column 7 lines 50-65).

Re claim 9, Cannon i.v., Schneider teaches the invention as discussed above. In addition, Schneider teaches the secondary game indication cycle expires after a predetermined number of predetermined primary game outcomes after qualification of the first gaming device (column 7 lines 50-65).

Re claim 10, Cannon teaches a system for allowing multiple networked gaming device system to participate in a secondary game (paragraphs 0019 and 0029), the system comprising: a first gaming device capable of qualifying for a secondary game (paragraphs 0048-0049), controller increases the secondary game payout award

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(paragraphs 0058-0059), the controller initiates the secondary game and awards the secondary game payout award to all qualified gaming devices including the first gaming device and the additional devices qualified to participate in the secondary game (paragraphs 0058-0061), controller increases the secondary game payout award for each qualified gaming device (paragraphs 0052-0053).

However, Cannon fails to teach the following claim limitation as taught by Schneider: a controller for providing a secondary game indication cycle indicative that the first gaming device has qualified for the secondary game (see figures 5-6, column 7 lines 8-12), and additional gaming devices qualified to participate in the secondary game before expiration of said secondary game indication cycle (column 7 lines 21-25).

It would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon invention in view of Schneider in order to provide an electronic gaming system and method that adjust the threshold to initiate a bonus period depending upon the number of eligible gaming machines over a network link, and a bonusing system has a demonstrable effect on game payback percentage to encourage play and increase enjoyment as taught by Schneider (paragraph 0017 lines 1-4).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.



***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as per the attached Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN L. CARLOS whose telephone number is (571)270-3077. The examiner can normally be reached on 7:30am-5:00pm EST Mon-Fri (alternate Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alvin L Carlos/  
Examiner, Art Unit 3714  
October 08, 2008

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/XUAN M. THAI/

Supervisory Patent Examiner, Art Unit 3715